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ONE HUNDRED SEVENTH CONGRESS

U.S. House of Representatives
Committee on Energy and Commerce
Washington, DC 20515-6115

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November 1, 2001

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DAVID V. MARVENTANO, STAFF DIRECTOR

The Honorable Michael K. Powell
Chairman
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Dear Chairman Powell:

We are writing to express our disappointment with a recent Commission decision permitting increased commercialization of public broadcasting licenses. We believe this change is ill-advised and we encourage the Commission to reconsider its action.

The Commission noted in its decision that the action would enhance the fundraising prospects for public broadcasting stations by allowing them to offer subscription video services, commercial data services, or other for-profit wireless services on part their so-called "digital" spectrum. We do not believe that funding goals for the public broadcasting system should guide Commission action. Federal decisions regarding the level of funding for the public broadcasting system reside with the Congress. Moreover, the appropriate authorizing committees in the Congress are charged with setting such funding limits and making any adjustments to statutory limitations affecting non-commercial educational licensees. Congress has not amended Section 399B of the Communications Act, which appears to prohibit such action in its plain language, or at the very least, strongly inclines against interpretations of Congressional support for increased commercialization.

Second, the Commission apparently approved this new authority in order to encourage stations to use the flexibility granted to accomplish their mission through creative uses of new digital technology. We fully support ample use of the resources of the medium for the public's benefit, but we insist that such innovative uses conform with public broadcasting's fundamental mission: non-profit, non-commercial, educational service to the communities it serves. The Commission's decision sacrifices an important value in our communications policy in return for services of dubious value to both the public and the public broadcasting system.

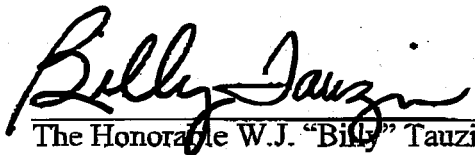
We are concerned that the Commission's decision will accelerate a trend toward "creeping commercialism," an issue that has been the subject of oversight hearings in prior sessions of Congress and previously proposed legislation. We encourage the

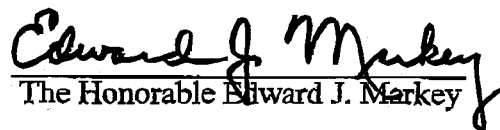
The Honorable Michael K. Powell

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Commission to rethink the wisdom of this decision and we look forward to hearing your views on this matter.

Sincerely,


The Honorable W.J. "Billy" Tauzin


The Honorable Edward J. Markey


The Honorable Richard Burr